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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,869	09/22/2003	Ayman Esam Nassar	985279.0119	1166
7590 02/19/2008 HOLLY L. RUDNICK GARLICK HARRISON & MARKISON, LLP P. O. BOX 670007 DALLAS, TX 75367			EXAMINER PASIA, REDENTOR M	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 02/19/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/667,869</p>	<p>Applicant(s) NASSAR, AYMAN ESAM</p>	
	<p>Examiner Redentor M. Pasia</p>	<p>Art Unit 2616</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).

5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-24.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

Continuation of 5. Applicant's reply has overcome the following rejection(s): Claims 2 -11, were amended to meet claim objections shown in the Office Action that was mailed on 11/08/2007.

Continuation of 11. does NOT place the application in condition for allowance because: As to Applicant's arguments (page 8) for claim 1, regarding Schneider (US 2006/0114889 A1; hereinafter Schneider) that the resources are reserved in the switches/routers for a single specific call, not allocated to a particular service provider for their use in servicing their customers (e.g., all calls of their customers) - emphasis added. The Examiner disagrees with the Applicant. Claim 1 shows "that is capable of handling service requests for customers". Claim language shows "capable of" and does not further shows how service requests are being handled (whether they are handled concurrently or in a sequence, etc.). Schneider shows setting up a portion of Network Capability 60 for setting up of a call (Figures 7-12) for illustrative purposes. Schneider shows that his device is capable of handling service requests based on the Figures shown.

Applicant also argues that there is nothing in Schneider that teaches or suggests that the service control or customer is then further able to dynamically customize a portion of the router or switch. Par. 0082 shows that Figures 1 -4 are related to Figures 10-13 to enable ATM services. Claim 1 shows "(a logical communications node) is capable of being dynamically configured in a customized manner by the service provider". Claim language does not further elaborate on how a logical communications node is dynamically configured (e.g. in what customized manner). Claim language shows that it is capable of . Schneider shows how the ATM Edge switches in Network Capability 60 is customized by having them configured by pushing policy and/or logic from the service control 58 (refer to Par. 0082 - 0084 as stated in Office Action).

Lastly, Applicant argues (still regarding claim 1 - refer to Applicant's Arguments page 8 par. 2) that Hughes (US 6,434,612 B1; hereinafter Hughes) does not provide the controller the ability to dynamically configure the switch partition allocated to them. Claim 1, shows "(common resources, a portion of common resources being dedicated to said logical communications node) and capable of being dynamically configured by the service provider." Claim language shows "capable of" and also does not elaborate on how the portion of common resources are dynamically configured. Hughes was applied by the Examiner to show the claim limitation "common resources..." in col. 3, lines 47-55 of Hughes (refer to Office Action). Hughes already shows " the switch to provide a number of switch resource partitions to a number of independent controllers coupled to the switch ; the switch resource partitions may comprise a number of subsets of switch resources that define a number of independent subset networks of a physical network ; the connection control interface allows the independent controllers to control the connections of the switch using the number of switch resource partitions " -- emphasis added.


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2/14/08